CMPMO No.23/2007.

23.8.2007. Present: Mr. J.R. Thakur, Advocate, for the petitioner.

Mr. P.M. Negi, Dy. Advocate General, for respondent No.1.

Mr. N.K. Thakur, Advocate, for respondents No.3 to 5.

The learned Financial Commissioner has correctly dismissed in limine the revision petition filed by the petitioner on the ground that the petitioner not being in recorded possession of the property in question, mutation could not have been attested in his favour. This apart, Mr. N.K. Thakur, learned counsel appearing for respondents No.3 to 5 stated before me at the Bar that the petitioner had filed a Civil Suit in the Court of Civil Judge (Junior Division), Nadaun against his clients and that the subject matter of the Civil Suit is the same as the subject matter of the revision petition filed by the petitioner before the learned Financial Commissioner (Appeals), Himachal Pradesh.

In view of the aforesaid, this petition is dismissed but with observation and direction that the petitioner would be at liberty to initiate action afresh if he succeeds in the aforesaid Civil Suit and if he is advised about the initiation of the action against respondents No.3 to 5.

CMP No.51 of 2007.

In view of the dismissal of the main petition, this application shall also stand dismissed.

23rd August, 2007. (V.K. Gupta), C.J.

(tr)